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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.3690 of 2025
Date of Decision: 18.07.2025
Reserved on: 15.07.2025**

Gurdeep Singh

... Petitioner

Versu

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. D.P.S. Randhawa, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Vijay Lath, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in DDR No.11 (wrongly mentioned DDR No.10 in Annexure P-3) dated 21.12.2024 registered under Sections 420, 465, 467, 471 and 120-B of IPC at Police Station City Rupnagar arising out of FIR No.209 dated 30.10.2024 registered under Sections 329(3), 331 and 62 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) at Police Station City Rupnagar, District Rupnagar.

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2. The aforementioned FIR was registered on 30.10.2024 on the basis of a complaint submitted by the present petitioner Gurdeep Singh alleging that he was residing in America. He was having a house at Narendra Colony, Rupnagar. The back portion of his house was rented out. He used to stay in this very house whenever he visited India. He alleged that now his brothers Amrik Singh and Satnam Singh had been threatening his tenants and had been pressurizing them to vacate his house though they had no right over the same. By alleging that he was apprehending danger to his life and property at the hands of his brothers, he prayed for taking action.

3. After registration of FIR, investigation proceedings were initiated. During investigation, the accused Satnam Singh moved an application on the basis of which DDR No.11 was entered on 21.12.2024. It was alleged by him that his father Karam Singh was owner of the disputed house. In connivance with the revenue officials, the present petitioner had got made entry of ownership of the said house in the name of his mother Jagir Kaur without their knowledge and consent and the said house was shown to be transferred in her name. The petitioner then got transferred the same house in his favour by presenting wrong facts. Amrik Singh along with his other brothers was entitled to inherit a share in this property being natural heirs of Karam Singh. By getting the same transferred in his favour, the present petitioner had caused wrongful loss to him and had cheated him. By further alleging that the petitioner had forged and fabricated the revenue record in connivance with the officials and had committed offence of

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forgery, he prayed for taking action.

4. The DDR No.11 was ordered to be treated as a cross case. Investigation proceedings have been initiated in the DDR and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Rupnagar vide order dated 13.01.2025.

5. It is argued by learned counsel for the petitioner that he has been falsley implicated in the DDR. Infact the same is counter blast to the FIR No.209 lodged by him on 30.10.2024. His mother had transferred the disputed house in his favour by executing a transfer deed. Mutation qua the transfer has been duly sanctioned in his favour. The DDR has been lodged after a period of about four years from the date of death of his mother. The dispute between the parties if any is of civil nature. The case is based on documentary evidenc. Civil litigation between the parties is already pending. The ingredients for commission of offences of cheating and forgery are not establised against him at all. His custodial interrogation as such is not required. He is ready to join the investigation. No recovery is to be effected from him. It is, therefore, urged that he deserves to be extended benefit of pre arrest bail.

6. Status report by respondent No.1 and reply by the complainant have been filed. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner who in connivance with the

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revenue officials had got entered the name of his mother as owner of the disputed property in the revenue record while knowing fully well that after the death of his father Karam Singh, not only himself but other legal heirs were also entitled to have a share in the said property. Not only the revenue record was fabricated and forged but wrongful loss had also been caused to the brother of the petitioners and other legal heirs of the deceased Karam Singh. Since the matter concerns forgery of revenue record which was obviously with connivance with the officials of revenue department, therefore, deeper probe is required to be conducted to know about the identity of those officials who had connived with the petitioner and for that purpose, the custodial interrogation of the petitioner is a must. It is further argued that even otherwise, no exceptional or extraordinary circumstance for grant of pre arrest bail has been made out in favour of the petitioner. It is, therefore, urged that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner is alleged to have got manipulated/changed entries in the revenue record pertaining to the property owned by his father Karam Singh. This manipulation is alleged to have been made in the Jamabandi pertaining to the year 2013-14. The complainant has placed on record Annexure C-1 copy of concerned Jamabandi showing that the name of Jagir Kaur was written in handwriting along with the type written entry wherein the name of father of the petitioner and complainant had been mentioned thereby showing that instead of Karam Singh, Jagir Kaur was

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owner to the extent of 2/3rd share in that property. This handwritten entry is alleged to have been fabricated by the petitioner and on perusal of the vernacular of this Jamabandi, prima facie it appears to be so manipulated. The allegations against the petitioner are as such serious in nature since it is he who is beneficiary of such entry. For the purpose of conducting thorough investigation and to elicit information as to the manner in which the name of mother of the petitioner had been incorporated in the revenue record without completing necessary formalities as well as for the purpose of eliciting information as to the identity of the other persons involved in the occurrence, the custodial interrogation of the petitioner is required. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to

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be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing.

9. Keeping in view the gravity of the allegations, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

10. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.07.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No